

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SUSAN FRYMOYER,

Plaintiff,

v.

CITY OF READING, PENNSYLVANIA, et al,

Defendants.

CIVIL ACTION

NO. 15-6805

ORDER

AND NOW, this 6th day of July, 2016, upon consideration of the pending partial Motion to Dismiss and Motion to Strike of Defendants, City of Reading, Vaughn Spencer, Gregory Smith, Carole Snyder and Felix Freytiz, the pending Motion to Dismiss of Defendants, American Federation of State, County and Municipal Employees, Justus James and Felix Freytiz, and Memoranda of Law in Support thereof, as well as Plaintiff's responses to said motions and defendants' Replies, it is hereby **ORDERED** as follows:

1. The partial Motion to Dismiss and Motion to Strike of Defendants, City of Reading, Vaughn Spencer, Gregory Smith, Carole Snyder and Felix Freytiz (in his capacity as an employee of the City of Reading) (Docket No. 6) is **GRANTED**;
2. Counts II and IV of Plaintiff's Complaint are stricken as to all defendants **EXCEPT** the City of Reading;
3. Count VII is stricken from Plaintiff's Complaint;
4. Counts VI and IX of Plaintiffs' Complaint are stricken as to Defendant Freytiz only in his capacity as an employee of the City of Reading;

5. The second sentence in Paragraph 12 of Plaintiff's Complaint, including footnote one, is hereby stricken from the Complaint;
6. The Motion to Dismiss of Defendants, American Federation of State, County and Municipal Employees, Justus James and Felix Freytiz, III, in his capacity as President of Local 2763 (Docket No. 7), is **GRANTED**; and
7. All claims against Defendants AFSCME, Justus James and Felix Freytiz (in his capacity as union president) are **DISMISSED** from Plaintiff's Complaint with prejudice.

BY THE COURT:

/s/ Jeffrey L. Schmehl
Jeffrey L. Schmehl, J.